IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3662 OF 2004

Deepak Sakharam Kamble Petitioner

versus

Bombay Municipal Corpn. & others Respondents

Mr.Sharma for petitioner

Mr.Bhor for BMC.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th January 2006

PC :

1. Heard Shri Sharma for the petitioner and Shri Bhor for the Bombay Municipal Corporation.

2. Shri Sharma states that dismissal of the Contempt Notice of Motion apart, subsequently the main Notice of Motion for interim relief in the suit was heard and disposed off by the Trial Court in which an order was passed permitting the petitioner to reconstruct the suit premises. That order is confirmed because the appeal of BMC was dismissed by this Court. Pursuant thereto

the premises are reconstructed by the petitioner. In this light, he submits that appropriate orders permitting him to withdraw this petition be passed.

3. In my view, no useful purpose will be served by pursuing the action of contempt against officers for their alleged breach of the ad interim order passed by the Trial Court in the light of these subsequent developments. Neither the petitioner nor the respondent is going to be prejudiced by any observations made by the Trial Court during the course of interlocutory proceedings and all such interim orders must necessarily be subject to the final decision in the suit. Leaving contentions open on merits of the controversy, this petition is allowed to be withdrawn with no order as to costs.

(S.C.DHARMADHIKARI, J.)